

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA

Plaintiff

vs

CRIMINAL 06-0252CCC

1) ELIAS CRUZ-MARRERO

**2) JONATHAN BAEZ-RODRIGUEZ**

a/k/a Monkey

3) ALFREDO CABRERA-RIVERA

a/k/a Cano

Defendants

**O R D E R**

Having reviewed the Plea Agreement of defendant Johnatan Báez-Rodríguez filed on April 26, 2007 pursuant to Fed.R.Crim.P. 11(c)(1)(C) (docket entry 77), where the parties stipulated an upward adjustment of only two (2) levels under U.S.S.G. § 2B3.1(b)(3)(A) when in light of the facts of the case an adjustment of six (6) levels under U.S.S.G. § 2B3.1(b)(3)(C) would instead be applicable, and given that the Court will not impose the specific sentence of 150 months agreed therein, said Plea Agreement is **REJECTED**. Defendant is allowed until JUNE 18, 2007 to inform the Court whether he will withdraw his plea of guilty and proceed to trial, or maintain his plea of guilty. Defendant is advised that if the plea is not withdrawn, the Court will sentence him less favorably than what the Plea Agreement contemplated.

SO ORDERED.

At San Juan, Puerto Rico, on June 8, 2007.

S/CARMEN CONSUELO CEREZO  
United States District Judge